

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHANES ODIN SKYWALKER TROYE,

Plaintiff,

v.

FEDERAL GOVERNMENT, *et al.*,

Defendants.

Case No. 3:17-cv-00292-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 3) (“R&R” or “Recommendation”) relating to plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) and *pro se* complaint (ECF N. 1-1). Plaintiff had until July 13, 2017, to file an objection. To date, no objection to the R&R has been filed.¹

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a

¹Plaintiff, however, has filed a second motion for application to proceed *in forma pauperis* and a motion for the Court to issue subpoenas. (ECF Nos. 4, 5.)

1 magistrate judge's report and recommendation where no objections have been filed. See
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
6 view that district courts are not required to review "any issue that is not the subject of an
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
9 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
10 which no objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
12 determine whether to adopt Magistrate Judge Cobb's R&R. Upon reviewing the R&R
13 and the proposed complaint, this Court finds good cause to accept and adopt the
14 Magistrate Judge's R&R in full.

15 It is therefore ordered, adjudged and decreed that the Report and
16 Recommendation of Magistrate Judge William G. Cobb (ECF No. 3) is accepted and
17 adopted in its entirety.

18 It is ordered that plaintiff's application to proceed *in form pauperis* (ECF No. 1) is
19 granted; plaintiff shall not be required to pay an initial fee.

20 It is further ordered that the Clerk file the complaint (ECF No. 1-1).

21 It is further ordered that the complaint is dismissed with prejudice.

22 It is further ordered that Plaintiff's second motion to proceed *in forma pauperis*
23 (ECF No. 4) and motion for issuance of subpoenas (ECF No. 5) are denied as moot.

24 It is further ordered that the Clerk close this case.

25 DATED THIS 25th day of July 2017.

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28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE